

**City of Pleasant Ridge**

**Ordinance No. 445**

AN ORDINANCE TO AMEND THE CITY OF PLEASANT RIDGE CODE OF ORDINANCES, CHAPTER 18 – BUSINESSES, TO ADD A NEW ARTICLE VIII.

THE CITY OF PLEASANT RIDGE ORDAINS:

**Section 1. Amendments.** Add a new Article VIII to read as follows:

**Chapter 18, Article VIII – Commercial Marijuana Facilities**

**Section 18-290 – Purpose and intent.**

An ordinance to repeal Section 42.15, of the City Code, to protect the public's health, safety, and welfare and to implement certain provisions of the Michigan Medical Marijuana Act of 2008, MCL 333.26421 et seq. (MMMA), the Michigan Medical Marijuana Facilities Licensing Act of 2016, MCL 333.26421 et seq. (MMFLA), the Marijuana Tracking Act of 2016, MCL 333.27901 et seq. (MTA), the Michigan Regulation and Taxation of Marijuana Act of 2018, MCL 333.27951 et seq. (MRTMA), the Michigan Zoning Enabling Act, MCL 125.3101 et seq. (MZEAA), and the State of Michigan Marijuana administrative rules, as amended and future amendments. This ordinance shall authorize and provide for the regulations and licensing of certain commercial marijuana facilities within the City; to establish the maximum number of licenses and locations where these facilities may be located; to establish procedures for the granting of licenses; to provide for an assessment of fees; and to provide penalties for violations.

**Section 18-291 – Definitions.**

Unless otherwise indicated, definitions shall have the same meaning as defined under the MMMA, the MMFLA, the MTA, the MRTMA, the MZEAA, and the State of Michigan marijuana administrative rules, as amended and with future amendments.

- a) "Acts" means the MMMA, the MMFLA, the MTA, the MRTMA, and the MZEAA.
- b) "Annual Fee" means an annual non-refundable fee of five thousand (\$5,000.00) dollars per license to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the municipality.
- c) "Applicant" means a named and specific individual who is identified as an owner of a proposed marijuana facility in an application submitted to the city for a city operating license.
- d) "Application" means a form provided by the city for an applicant to complete for

submission to the city for a city operating license and/or a form provided by the State of Michigan for an application for state licensing.

- e) "Application fee" means a non-refundable application fee of five thousand (\$5,000.00) dollars per license.
- f) "Business License" means a person authorized by the city to operate, conduct, maintain, or manage any business, commercial occupancy, trade, occupation, or premises for commercial or business reasons.
- g) "Caregiver" means a person registered by the Department of Licensing and Regulatory Affairs under MMA to provide medical marijuana to a caregiver's own designated patient(s).
- h) "Designated consumption establishment" means a commercial space that is licensed and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the license.
- i) "Department" means the Department of Licensing and Regulatory Affairs.
- j) "Equivalent license" means any of the following license types issued under MMFLA and/or MRTMA:
  - 1) Marijuana retailer or provisioning center
  - 2) Secure transporter
  - 3) Safety compliance facility
- k) "Establishment" means a location at which a license holder is licensed to operate as a medical and/or recreational grower, safety compliance facility, processor, microbusiness, retailer, provisioning center, secure transporter, or designated consumption establishment.
- l) "Facility" means a location at which a license holder is licensed to operate as a medical and/or recreational grower, safety compliance facility, processor, microbusiness, retailer, provisioning center, secure transporter, or designated consumption establishment.
- m) "Grower" means a licensed commercial entity that cultivates, dries, trims, or cures and packages marijuana for sale to licensed marijuana establishments except for a Safety Compliance Facility and a Secure Transporter.
- n) "Licensed" or "Licensed Facility" means a marijuana facility where a person holds both a state operating license and a city operating license at a specified location.
- o) "Marijuana" or "Marijuana" means the term as defined in the Public Health Code, MCL 333.7106 et seq. and all future amendments.
- p) "Marijuana-Infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation.
- q) "Marijuana microbusiness" means a licensed commercial entity that can cultivate not more

than 150 marihuana plants; process and package marihuana; and sell or transfer marihuana to individuals who are 21 years of age or older, but not to other licensed marihuana establishments.

- r) "Marihuana retailer" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers to individuals who are 21 years of age or older. A licensed retailer may also sell or transfer to registered patients or registered caregivers with the equivalent medical license.
- s) "Patient" means an individual registered through the department under the MMMA with a qualified debilitating condition or a patient with a valid card from another state with a medical marihuana program.
- t) "Person" or "Licensee" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- u) "Processor" means a licensed commercial entity that extracts resin from the marihuana from a licensed grower and/or processor for sale and/or transfer in packaged form to a licensed retailer or another processor.
- v) "Provisioning center" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers to registered patients and registered caregivers. A licensed provisioning center may also sell or transfer to individuals who are 21 years of age or older with the equivalent recreational license.
- w) "Retailer" means a licensed commercial entity that purchases or transfers marihuana from a licensed grower and/or processor and sells or transfers marihuana to a person 21 years of age or older. A licensed retailer may also sell or transfer to individuals who are a registered patient or registered caregiver with the equivalent medical license.
- x) "Safety compliance facility" means a licensed commercial entity authorized to receive marihuana from, test marihuana for, and return marihuana to a licensed marihuana facility, caregiver, or patient.
- y) "Secure transporter" means a licensed commercial entity that can store and transport marihuana to and from licensed marihuana establishments for a fee.
- z) "State Operating License" means a license issued by the department that allows a person to operate a marihuana facility.

#### **Section 18-292 – Location, number, and types of licenses.**

- a) A facility is only allowed in the W and C zoning districts.
- b) A facility is only allowed in a building that is separated at least 200 feet from any structure that is zoned or used for residential purposes pursuant to the City zoning ordinance.

- c) Every facility shall meet the requirements of the City Code, the Acts, and State of Michigan marihuana administrative rules, as amended and future amendments.
- d) All proposed facilities shall meet the specific zoning district requirements as outlined in the City zoning ordinance.
- e) All facilities must maintain dual licensure of the equivalent license type pursuant to the MMFLA and the MRTMA as defined in Section 18-291 and under the administrative rules. The City Commission may consider a waiver for a facility licensed under MMFLA that does not wish to maintain licensure under MRTMA.
- f) All applicants granted a city operating license of any type shall be required to be fully operational no later than six (6) months from the date in which the city operating license was granted. A licensee may submit to the city clerk in writing, thirty (30) days prior to the date in which the facility is required to be fully operational, a request for up to a six (6) month extension. An extension request will be reviewed for consideration by city administration. Licensees who are not fully operational within the allotted time may result in its city operating license being revoked by the city manager without contention from the licensee.
- g) Number of Facilities Permitted. The City shall limit the number of marijuana facilities and marijuana establishments allowed within the City's boundaries to the number listed below. The City may revise these categories and limits by ordinance amendment, from time to time.
  - 1) Designated Consumption Establishment: 0 are authorized.
  - 2) Growers: 0 are authorized.
  - 3) Marijuana Microbusiness: 1 is authorized.
  - 4) Marijuana Retailer or Provisioning Center: 2 are authorized.
  - 5) Processors: 2 are authorized.
  - 6) Safety Compliance Facility: 2 are authorized.
  - 7) Secure Transporters: 2 are authorized.
- h) The foregoing city operating license quantities shall be subject to the availability of locations in areas zoned for facilities and shall be reduced to the extent locations are unavailable in such areas. Applications for available city operating license(s) shall be accepted for consideration defined by a specific time period. The specific time period for the city to accept new applications shall be recommended by the city manager and codified by a resolution of City Commission.
- i) A co-located facility must meet all facility requirements and zoning requirements for all facility types in which the applicant intends to operate within a co-located facility.
- j) Operation at the same location that includes a licensed retailer shall have the entrance and exit to the retail portion of the facility clearly marked so that persons can clearly identify the retail entrance and exit.

- k) No medical marihuana patient or primary caregiver registered under and defined by the MMMA may utilize a commercial building in the W or C Zoning Districts for purposes of growing plants for patients under the MMMA. A primary caregiver may only utilize a house in a residentially zoned district that they reside in to grow marihuana under the MMMA. In addition, the growing of marihuana in said residence may not constitute a nuisance, affecting the neighbor's quiet enjoyment of their property, and the house utilized for growing marihuana under the MMMA must meet all building, electrical, mechanical, and plumbing code standards.

### **Section 18-293 Facility requirements.**

All facilities operating within the city shall be subject to the following additional requirements and restrictions:

- a) Licensing and Insurance

- 1) No person may operate a facility in the city without a city operating license issued pursuant to Chapter 18 of the City Code.
- 2) All current state operating license(s) and city operating license(s) shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
- 3) All facilities shall comply with all federal, state, and local codes and regulations.
- 4) For all retail facilities and delivery services, a licensee must first acquire the necessary authorization from the department to deliver to a registered patient, registered caregiver, or persons 21 years of age or older.
- 5) Premises liability and casualty damage insurance in the amount of one million dollars (\$1,000,000.00) shall be maintained and proof shall be submitted to the city when the applicant has been notified that they are ready for final approval. Proof of adequate premises liability and casualty insurance policy in the amount of no less than one million (\$1,000,000) dollars, covering the marihuana facility and naming the city as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors. Proof of executed insurance shall be provided to the city clerk within thirty (30) days of the issuance of the city operating license as proposed in the application.
- 6) Each facility shall be bonded to guarantee that all accounting and taxes are paid in full, according to the law, and that the facility will perform in accordance with all federal, state, and local government standards.

- b) Operating Standards:

- 1) The use of marihuana shall comply with the Acts, state administrative rules, and the Department of Community Health, as amended and future amendments.
- 2) No marihuana facility shall have an entrance or exit which provides direct access to another type of business, residence, or living quarters, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.

- 3) No marihuana facility shall allow the inhalation, use, or the consumption of marihuana, tobacco, or alcohol, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.
- 4) Alcoholic beverages and nicotine products shall not be sold, conveyed, or consumed on the premise of any facility. Nor shall any person be present on the premise of a facility while intoxicated and/or under the influence of alcohol or any other controlled substance.
- 5) No marihuana may be smoked, used, or consumed at any marihuana establishment except a designated consumption establishment or a temporary marihuana event that has been approved by the state and city for consumption and/or sales.
- 6) The facility shall be subject to inspection by law enforcement, city officials, officials from the department, or the state department of community health during the hours of operation.
- 7) Facilities shall have electrical, fire safety, plumbing, filtration, and waste disposal systems, which are compliant, appropriate, and consistent with best industry practices, city and state rules and regulations for the business being conducted.
- 8) The portion of the facility, such as a grow room, and the storage of any chemicals, such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the City Fire Chief, or his or her duly authorized representative, to ensure compliance with the applicable Michigan Fire Protection Code.
- 9) Facilities greater than 12,000 square feet shall install and have approved a fire suppression system, with all square footage of the facility fire suppressed and covered with overhead sprinkler head fire suppression systems, as dictated by the City Fire Chief, or his or her duly authorized representative.
- 10) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, harvesting, or processing of marihuana are located.
- 11) No person under the age of 18 years shall be permitted to enter a facility. A person under the age of 18 years who possess a valid medical marihuana card issued by the state or another state, and is accompanied by his/her legal guardian, may enter a licensed medical retailer facility.
- 12) All litter must be removed from the premises, including the parking lot, sidewalk, and all areas visible to the public at least twice daily.
- 13) Each licensee shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, storage and destruction of evidence, and any other unspecified costs, for the failure to comply with the provisions of this chapter which result in the arrest and prosecution of any employee, owner, or patron.
- 14) Facility signs shall comply with section 82-196, and facilities shall not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a marihuana leaf

or other commonly recognized symbol for marihuana or which utilize any of the following words: marijuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products. Only one sign per building shall be allowed.

- 15) Secured transport and grow facilities shall have bay doors in which a secure transport vehicle can enter to deliver or pick up or store marihuana. Ingress and egress lanes to the bay doors shall be clearly marked to allow entry of secure transport vehicles. Unless required by MMFLA, MRTMA, or state administrative rules, other marihuana facilities shall not be required to have bay doors.
- 16) Residential uses within the same structure/building are prohibited.
- 17) Outdoor storage is prohibited.
- 18) All facility operations shall occur indoors and out of public view. Mobile facilities, drive throughs, and exterior walk-up windows are prohibited.
- 19) No equipment or process shall be used in any facility which creates or emits noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary. Generators shall be in place to ensure that the air filtration system and security system(s) remain operational in the event of an electrical outage. Generators shall be housed in a containment area to prevent noise emanating to areas outside of the containment shelter.
- 20) Access to secure areas of a facility shall be restricted to the licensee and authorized employee of the licensee. Trade services provided by individuals not normally engaged in the operation of a facility must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.
- 21) All disposal areas and dumpsters shall be secure to prevent unauthorized access. All disposal areas and dumpsters shall be enclosed by a decorative masonry or brick wall on three sides and a wrought iron gate, as authorized by city administration, to provide access only to the licensee, authorized employee, waste hauler, or city official.
- 22) All facilities shall obtain appropriate utility upgrades to prevent interference with or a drain on neighboring properties.
- 23) Outdoor cultivation is prohibited.
- 24) All facilities hours of operation shall be no earlier than 10:00 a.m. and no later than 9:00 p.m. except designated consumption establishments which may have hours of operation shall between the hours of 10:00 a.m. to 2:00 a.m, if permitted.
- 25) Windows shall be free and clear of all advertising, shelves, inventory or the like which would impair the view to the exterior of the premises.
- 26) Windows shall be opaque to the exterior; opaque means that the glass transmits light but does not allow a view of objects on the other side.

- 27) Retailers and growers shall be required to provide a vestibule at the primary point of entrance/exit of the facility with proper ventilation to further deter odor from emitting from the building or present an alternative odor prevention plan to the city manager for approval.
  - 28) Deliveries shall only take place during hours of operation.
  - 29) Secure Transporter facilities shall not store marihuana or currency in a secure transport vehicle, nor shall the vehicle bear any markings or identification that it carries marihuana or marihuana-infused products.
  - 30) Safety Compliance facilities shall have a secured laboratory space that cannot be accessed by the public.
  - 31) Designated consumption establishments shall provide for all marihuana to be contained within the main building in an enclosed, locked facility, and shall always follow City ordinances, the acts, and State of Michigan marihuana administrative rules, as amended.
  - 32) Designated consumption establishments shall destroy and dispose of any marihuana product left at the establishment that is considered waste in accordance with City ordinances, the Acts, and State of Michigan marihuana administrative rules, as amended and with future amendments.
  - 33) Designated consumption establishments must employ or otherwise retain onsite security personnel during all business hours.
- c) Parking shall be in accordance with the requirements of section 82-195 of the city's zoning ordinance, as follows:
- 1) Designated Consumption Establishments shall meet the parking requirements applicable to restaurants.
  - 2) Retailers and Provisioning Centers shall meet the parking requirements applicable to retail stores.
  - 3) Growers shall meet the parking requirements applicable to manufacturing and research establishments.
  - 4) All other marijuana establishments shall meet the parking requirements applicable to professional offices.
  - 5) All required parking spaces shall be provided in an off-street parking lot on the same site as the facility. No parking reductions or modifications available in Section 82-195 shall apply to facilities licensed under this ordinance.
- d) Security. Facilities shall implement the following security measures:
- 1) There must be at least one security guard in place on the site during operating hours, subject to increased security requirements, including 24-hour security guard requirement, upon notice by the city manager.



- 2) Facilities shall install and maintain an alarm system, twenty-four (24) hours per day and seven (7) days a week, and shall have security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled. Upon the request of the city manager, the licensee shall provide to the city an IP address which provides the city with real-time access to all security camera feeds at the facility, and the facility shall maintain thirty (30) days of historical footage on file. Proof of security installation shall be provided to the city clerk within thirty (30) days of the issuance of the city operating license.
- 3) Facility surveillance and security camera recordings are subject to inspection for purposes of determining compliance with state and local laws, without a search warrant.
- 4) The proposed plan for secured parking and/or fencing must be aesthetically consistent with the area and must be approved by the city manager for each facility.
- 5) A safe for all cash, cash equivalents, and marihuana stored in the facility overnight.
- 6) A Knox Box shall be required, or an equivalent system designed to allow first responders with immediate access into secure buildings. Proof of Knox Box installation shall be provided to the city clerk within thirty (30) days of the issuance of the city operating license.

**Section 18-294 Applications and fee requirements.**

- a) Each applicant requesting for authorization to operate a facility within the city shall file an application, under oath, upon forms provided by the city. All applications shall be completed in its entirety and submitted to the city clerk's office. All applications shall be submitted in compliance with the City's ordinances, the Acts, and State of Michigan marihuana administrative rules, as amended and future amendments.
- b) Every application shall include site plans for the proposed facility. In addition to the requirements set forth in this ordinance and in the zoning ordinance, the following shall be provided:
  - 1) Floor plan and layout, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits, and parking lot plan and layout.
  - 2) Means of egress, including, but not limited to, delivery and transfer points.
  - 3) Construction details for structures and fire-rated construction for walls.
  - 4) Security plan in full compliance with the state administrative rules.
  - 5) Succession plan for the business in the event of death or incapacitation of applicant(s).
- c) Without limitation, the applicant shall fill out the city's application form, provide all documentation and information requested by the city and shall specify the property address of the proposed facility, which must be located within an area zoned for such use and provide proof of ownership or tenancy of said property. In the event an applicant supplies a

binding purchase agreement, and the applicant is otherwise deemed to qualify for a city operating license, the city may issue a city operating license conditioned on the applicant submitting a deed to the property within ninety (90) days of issuance of the city operating license.

- d) Every application, including renewals, shall include the following non-refundable fees:
  - 1) Each initial application submitted to the city requesting to operate a facility within the city shall pay to the city a non-refundable application fee in the amount of five thousand (\$5,000) dollars per license to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the city.
  - 2) Each renewal application submitted to the city requesting to operate a facility within the city shall pay to the city, on an annual basis, a non-refundable renewal fee of five thousand (\$5,000) dollars per license to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the city.
  - 3) Upon approval of a city operating license and before the license will be issued by the city, and at the time of renewal, each licensee shall pay to the city a non-refundable annual inspection fee of four thousand (\$4,000) dollars to defray the cost of city inspections.
    - a. All facilities shall be inspected by the city on at least an annual basis to ensure compliance and that appropriate electrical, fire safety, plumbing, filtration, and waste disposal systems are installed and in proper working order.
    - b. In addition to the foregoing annual inspections, the city may inspect any facility, at any time, upon reasonable cause to believe that a violation of the City Code, the Acts, or State of Michigan administrative rules has occurred.
- e) All applicants must submit a completed application and certify under oath that the information contained therein is true and accurate.
- f) Failure to provide a complete application and/or the required fees may result in a denial of the application and/or renewal application.

#### **Section 18-295 - Application Review.**

- a) The city manager shall, consistent with the requirements of this ordinance, report to city commission applications for consideration by city commission for a city operating license. In evaluating the applications, the following criteria shall be considered:
  - 1) Compliance with application requirements;
  - 2) Compliance with the requirements of this ordinance;
  - 3) Qualifications of the applicant;
  - 4) Capitalization and means to operate the proposed facility;

- 5) Business history and experience;
- 6) Business history with Pleasant Ridge;
- 7) Prior or current licensure;
- 8) Non-marihuana business interests;
- 9) Regulatory compliance/legal history;
- 10) Strength of business plan;
- 11) Integrity, moral character, and cooperation level with the city;
- 12) Financial benefit to the city;
- 13) Neighborhood compatibility
  - a. Consideration of the effects of the proposed operation on nearby properties including, but not limited to, anticipated traffic flow, total number of patrons per day, aesthetics of the building, building capacity. The City may require professional studies to be provided and paid for by the applicant should the proposed establishment require further examination on the impact of the public's health, safety, or welfare. Such professional evaluations include, but are not limited to, traffic, engineering, surveyor, environmental, safety, etc.
  - b. Non-marihuana related business(es) you plan to open and operate within the city of Pleasant Ridge.
  - c. Total capital investment to be invested, e.g. renovations to the property and surrounding area, equipment, fixtures, and other related items.
  - d. If the proposed location is vacant, the number of years in which the property has been vacated.
  - e. Proximity to surrounding establishments.
  - f. Environmentally friendly design.
  - g. Improvements to landscaping, parking, lighting, and surrounding area.
- 14) Community involvement;
- 15) Whether applicant is proposing to replace an existing business;
- 16) Whether applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility, the surrounding neighborhood, and/or the city. This includes, but is not limited to:
  - a. The total overall capital investment in funds to be invested in the renovations to the property and surrounding area including the overall investment in equipment, fixtures,

and other related items.

- b. The total number of years that a property or site, to be renovated by the applicant, has been vacant.
- c. How significant the upgrades or renovations to the property and surrounding area are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; and the extent of renovation(s).
- d. Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and waste management design and plan.
- e. The extent of upgrades and renovations to the landscaping, parking, lighting and to the site and surrounding area.

17) Status of State of Michigan licensure;

18) Security plan, including the extent of, and additions to or extra security measures taken above the minimum-security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting, or selling medical marihuana.

19) Any other consideration relevant to the public's health, safety, or welfare.

- b) Any application as reported to the city commission by the city manager, approved by a simple majority vote of the city commission, at a city commission meeting, shall be issued a city operating license, not to exceed the number of city operating licenses allowed for in Section 18 292 of this ordinance.
- c) City operating licenses are non-transferable and non-assignable and shall be specific to the licensee and the location authorized. A transfer of more than 50.0% ownership interest in a business entity operating a facility shall be deemed to be a transfer hereunder and is prohibited for licensure.

#### **Section 18-296 – Violations, penalties, revocation.**

- a) If an applicant or licensee fails to comply with this ordinance, if a licensee no longer meets the eligibility requirements for a license under this ordinance, or if an applicant or licensee fails to provide information the city requests to assist in any investigation or inquiry, the city manager may deny, suspend, or revoke a license
- b) Should marihuana cultivation, processing, testing, selling, extracting, or transporting cause property damage, personal injury, or other injury through explosion, fire, release of harmful substances, or any other event reasonably related to the cultivating, processing, testing, selling, extracting, or transporting marihuana, all people involved in or responsible for the marihuana cultivating, processing, testing, selling, extracting, or transporting are jointly and severally liable for all resulting damages. This includes, but is not limited to, expenses associated with the emergency response, property repair, remediation, medical expenses, marihuana disposal, and expenses related to discontinued use, and prosecution.

- c) The city manager may suspend a license without notice or hearing upon a determination by the city manager that the public health, safety or welfare, or the safety or health of patrons or employees, is jeopardized by continuing a facility's operation. If the license is suspended without notice or hearing, a prompt post-suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the city manager determines that the cause for suspension has been abated. The city manager may revoke the license upon a determination that the licensee has not made satisfactory progress toward abating the hazard. A license will automatically be revoked upon revocation or denial of a state operating license from the State of Michigan.
- d) Any party aggrieved by an action of the city manager suspending or revoking a license shall be given a hearing before the city commission upon request. A request for a hearing must be made to the city clerk's office, in writing, no later than twenty-one (21) days after service of notice of the action of the city manager by first-class mail. Service of notice begins on the date of mailing by first-class mail.
- e) The city may conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties of the state and/or city under the Acts and this chapter.
- f) In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.
- g) Compliance with laws: All facilities must be operated in compliance with the Acts, all regulations promulgated under the Acts, and all other applicable federal, state, and local laws, regulations, and ordinances.
- h) No temporary certificates of occupancy. No facility may operate under a temporary certificate of occupancy. Facilities must be in full compliance with all applicable legal requirements in order to operate.
- i) Termination of authorization. If a facility is operated in violation of the Acts or any applicable ordinance, or if the licensee is found to have submitted false or misleading information in its license application, the city may revoke the license for such facility to operate within the city. The city retains the right to alter the number and type of facilities authorized hereunder at any time. Any license granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.
- j) Penalties. With respect to any facility that is in violation of any requirement or restriction set forth in this chapter, the licensee of a facility, all persons identified pursuant to MCL 333.27401(1)(b), and any on-site manager shall be subject to the following penalties:
  - 1) Any violation shall be a civil infraction of \$500, plus court costs and expenses. .
  - 2) The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.
  - 3) Uncorrected violations may be ticketed every twenty-four hours.

- 4) In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.
- k) Penalties for violation of --- 03 (K). Any violation of section – 03(K) by a primary caregiver or medical marihuana patient as defined by the MMMA shall be subject to the following penalties:
  - 1) Any violation shall be a civil infraction of \$500, plus court costs and expenses.
  - 2) The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.
  - 3) Uncorrected violations may be ticketed every twenty-four hours.
  - 4) In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

### **Section 18-297 - Miscellaneous provisions**

- a) Rights granted. The operation of a licensed marihuana facility is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation, or sale of marihuana as a commercial enterprise. Nothing in this ordinance may be held or construed to grant a vested right, license, permit, or privilege to continued operations within the city.
- b) Conflict of laws. Nothing in this chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, or other applicable state marihuana law or rules.
- c) Severability. If any section, subsection, paragraph, sentence, or word of this ordinance is deemed to be invalid by the courts, the invalidity of such provision shall not affect the validity of any other sections, subsections, paragraphs, sentences, or words of this ordinance or the application thereof; and to that end, the sections, subsection, paragraphs, sentences, and other words of this ordinance shall be deemed severable.
- d) Repealer. The adoption of this ordinance repeals the previously adopted 42.15 of the city code. To the extent that any other ordinance, or section or portion thereof, conflicts with or is inconsistent with this ordinance, that ordinance, or section or portion thereof, is hereby repealed.

**Section 2. Severability.** Should any provision or part of this Article be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Article, which shall remain in full force and effect.

**Section 3. Repealer.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4. Savings clause.** Nothing in this Article shall be construed to affect any suit or proceeding pending in any court or any rights acquired, or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by


this Ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective fifteen days after enactment and upon publication as provided by law.

**Section 6. Adoption.** This Ordinance is hereby declared to have been adopted by the City Commission of the City of Pleasant Ridge at a meeting duly called and held on the 13 day of July 2021 and ordered to be given publication in the manner prescribed by law.

City Commission Introduction:	Tuesday, June 8, 2021
City Commission Public Hearing:	Tuesday, July 13, 2021
City Commission Adoption:	Tuesday, July 13, 2021
Published:	Friday, July 16, 2021
Effective:	Wednesday, July 28, 2021

Attest:

  
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 Amy Allison  
 City Clerk